
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u> ____ All Child Care Evaluator Manual Holders <u>X</u> All Residential Care Evaluator Manual Holders ____ All Evaluator Manual Holders	<u>Transmittal No.</u> 06APX-01
	<u>Date Issued</u> February 2006

Subject:

2005 Chaptered Legislation
Appendix A – Adult Community Care Facilities and Residential Care Facilities for the Chronically Ill

Reason For Change:

This transmits summaries of legislation chaptered in 2005 affecting Adult Community Care Facilities and Residential Care Facilities for the Chronically Ill. The summaries are divided into two sections as follows:

1. Immediate Action Required – Interim instructions are provided.
2. Information Only – No action required by CCLD.


An index is attached to assist staff in locating specific bills. Statutes referenced in this document became operative on January 1, 2006.

Filing Instructions:

REMOVE –

INSERT – the attached pages into Appendix A. Do not remove similar documents from the previous years.

Approved:



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2/8/06
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SUMMARY AND IMPLEMENTATION PLANS 2005 CHAPTERED LEGISLATION

ADULT RESIDENTIAL FACILITIES AND RESIDENTIAL CARE FACILITIES FOR THE CHRONICALLY ILL

<u>BILL NUMBER/AUTHOR</u>	<u>SUBJECT</u>	<u>PAGE</u>
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ACTION REQUIRED

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INFORMATION ONLY – NO ACTION REQUIRED

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Unless otherwise noted, all new legislation becomes effective on January 1, 2006. When conducting licensing visits, LPAs should, to the extent practical, make sure that providers are aware of any new requirements. However, regardless of whether this information is provided, it is the licensee's responsibility to be aware of any new requirements affecting their program.

ACTION REQUIRED

AB 847 (Berg), CHAPTER 315, STATUTES OF 2005

Affects: Residential Care Facilities for the Elderly (RCFEs) and Adult Community Care Facilities (CCFs)

Subject: Programs for All-Inclusive Care for the Elderly (PACE)

Summary: This legislation adds Sections 1231.5, 1580.1, 1734.5, and 100315 to the Health and Safety (H&S) Code to permit the California Department of Health Services (DHS), the California Department of Social Services (CDSS) and the California Department of Aging (CDA) to grant exemptions from licensing requirements to PACE programs. (For facilities licensed by CDSS these “exemptions” would be waivers and exceptions.) The facilities commonly operated by PACE programs are adult day health care centers, primary care clinics, and home health agencies, all licensed by DHS. PACE programs do not currently operate any RCFEs or adult CCFs, but AB 847 would apply if a PACE program chose to operate a facility licensed by CDSS in the future. PACE programs must comply with multiple requirements from multiple sources: federal regulations; a contract with DHS; and multiple state licensing regulations. This law is intended to increase efficiency and prevent duplication by providing a vehicle to consolidate and streamline some of those requirements.

PACE programs provide a comprehensive array of medical and long-term care services that enable participants to remain in their own homes. (PACE participants may live in an RCFE or an adult residential facility, which would be considered their “home.”) PACE participants must be at least 55 years old and eligible for placement in an intermediate care or skilled nursing facility. There are currently four PACE programs operating in California—On Lok Senior Health Services, San Francisco; Sutter Senior Care, Sacramento; Center for Elders’ Independence, Oakland; and AltaMed Health Services, Los Angeles.

Implementation:

AB 847 would apply to CDSS if a PACE program applied for a license to operate an RCFE or an adult CCF and then sought related waivers or exceptions. While any licensee may seek waivers or exceptions to licensing regulations, AB 847 permits PACE programs to seek them to statute as well.

A PACE program that wishes to obtain a waiver or exception to a licensing regulation or law must submit a written request and substantiating evidence supporting the request, to CDSS. The written request must include, but is not limited to, the following:

- (1) A description of how the applicable state requirement conflicts with or is inconsistent with state or federal requirements related to the PACE model.
- (2) An analysis demonstrating why the conflict or inconsistency cannot be resolved without a waiver or exception.

- (3) A description of how the PACE program plans to comply with the intent of the requirements described in (1) above.
- (4) A description of how the PACE program will monitor its compliance with the terms and conditions under which the waiver or exception is granted.

A local licensing office that receives a waiver or exception request from a PACE program should forward the request to the Statewide Senior or Adult Care Program Office within 5 days. The Statewide Program Office will coordinate with the Senior or Adult Care Policy Unit in processing the request. The Senior Care Policy Unit will provide consultation to the Statewide Program Office, and coordinate with the DHS Licensing and Certification Policy Unit and other entities as appropriate.

CDSS must approve or deny waiver or exception requests from a PACE program within 60 days of submission. Under AB 847, CDSS must consult with DHS and CDA in determining whether to grant such waivers and exceptions, but no request pertaining to a facility that CDSS licenses can be granted without CDSS's approval. A waiver or exception granted under this bill may be suspended or revoked if CDSS determines that a PACE program is not abiding by the terms and conditions of the waiver or exception. If Licensing staff determine that a PACE program is not following the conditions of a waiver or exception, the matter should be referred to the Program office for review.

ACTION REQUIRED

SB 962 (Chesbro), CHAPTER 558, STATUTES OF 2005

Affects: Clients and Providers of a new facility category: Adult Residential Facilities for Persons with Special Health Care Needs

Subject: **Adult Residential Facilities for Persons with Special Health Care Needs: Pilot Project**

Summary: SB 962 (Chesbro, 2005), authorizes the California Department of Developmental Services (CDDS) and the Department of Social Services (CDSS) to establish a four-year pilot program for a new licensing category of small, community-based residential facilities to provide 24 hour care to certain adults with developmental disabilities who are being released from Agnews Developmental Center. These clients have a recurring but intermittent need for skilled nursing services. The target date by which the residents are to be moved is June of 2007. The intent is for the creation of a new facility type which will better serve the client population and maximize federal funding.

This bill limits the total residents served to 120 and limits resident eligibility to those who can be served by the San Andreas Regional Center, the Regional Center of the East Bay, and the Golden Gate Regional Center. Each facility would be licensed for five beds or less. It requires an independent evaluation of the pilot by January 1, 2009, and sunsets the pilot provisions as of January 1, 2010. Prior to CDSS licensure, CDDS must have granted a certificate of program approval for the Adult Residential Facility for Persons with Special Health Care Needs ("ARFPSHN"). The bill requires that CCLD shall not have any responsibility for evaluating clients' level of care or health care provided by ARFPSHN.

Implementation: These statutory requirements are effective January 1, 2006, and the Community Care Licensing Division (CCLD) shall implement as follows:

- CCLD staff are authorized by the bill to utilize Title 22, Division 6, Chapter 1 (sans Article 8) to regulate these facilities during the pilot.
- CDSS, Community Care Licensing Division (CCLD), will enter into a memorandum of understanding with CDDS to outline a formal protocol to address shared responsibilities, including monitoring responsibilities, complaint investigations, administrative actions and closures.
- CCLD will not have any responsibility for evaluating clients' level of care or health care provided by ARFPSHN. Any suspected deficiencies or complaints in a client's health care identified by CDSS personnel would be reported immediately to the appropriate regional center and CDDS for investigation.
- SB 962 requires an independent evaluation of the pilot program by January 1, 2009, and sunsets the pilot provisions as of January 1, 2010.

INFORMATION ONLY – NO ACTION REQUIRED

AB 1323 (Vargas) CHAPTER 722, STATUTES OF 2005

Affects: All licensees operating a community care facility

Subject: Community Care Facilities: Registered Sex Offenders

Summary: This legislation amends Health and Safety Code Section 1522.01. As amended, this section changes one of the requirements of a licensee who accepts, as a client, an individual who is required to be registered as a sex offender.

This is what changed:

A licensee is now required to tell any of the persons entitled to know whether any client of the facility is a registered sex offender; that information about registered sex offenders is available to the public via the Internet Website maintained by the Department of Justice (www.meganslaw.ca.gov). A licensee may no longer refer these persons to the "900" telephone number to find out if the client is a registered sex offender.

AB 1378 (Leiber), CHAPTER 538, STATUTES OF 2005

Affects: Clients transitioning from Agnews Developmental Center to Community Care Facilities

Subject: Developmental Services Facilities

Summary: Effective January 1, 2006, this bill allows the Department of Developmental Services (DDS) to operate any facility or contract with any entity for the use of DDS employees to facilitate transition of clients amid the closure of Agnews Developmental Center.

SB 1018 (Simitian) CHAPTER 140, STATUTES OF 2005

Affects: Residential Care Facilities for the Elderly, Residential Care Facilities for the Chronically-Ill, Adult Residential Facilities, Adult Day Programs, and Social Rehabilitation Facilities

Subject: Elder and Dependent Adult Abuse

Summary: This bill establishes the Financial Elder Abuse Reporting Act of 2005 which extends mandated reporting requirements for financial abuse of an elder or dependent adult to all officers and employees of certain financial institutions. This bill delays implementation for one year, until January 2007 and sunsets after six years.